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PATENT  
Client/Matter No. 58244-5REMARKS/ARGUMENTSI. Preliminary Remarks

The Office Action dated December 29, 2006 rejected claims 6, 7, and 9-17 under 35 USC 102(e) as being anticipated by Fung et. Al., Pub. No. 2005/0131815; and claim 8 has been rejected as being obvious in view of Fung in combination with Gangi, US patent no. 6,938,821. The Applicant respectfully traverses the rejections.

II. Pending claims are allowable over the Prior Art

The preambles of independent claims 6, 15, 16, and 17 clearly define the term "payment processor" as a system that interface merchant's credit card processing system with credit card issuing bank's transaction systems. In other words, "payment processor" as defined in the applicant's claims are not different types of credit cards such as Visa, Mastercard etc. In reference to Figure 9 and paragraph 86 of Fung, element 814 and 816 shows a traditional credit card processing steps where a credit card reader at the retail store 812 communicates with a third party credit card reader processor 814 to submit the charges to the appropriate credit card network 816 (e.g. Visa, Mastercard, etc.).

Using Figure 9 as a traditional example of processing a credit card transaction, the third party credit card reader 814 is able to process credit card transaction for a variety of different credit cards such as Visa and Mastercard; however, Fung does not teach or suggest the merchant or Retail store being able to select for a different third party credit card processors 814. In other words, once the merchant or the retail store 812 sets up a third party credit card processor 814 that same processor 814 is used for every credit card transaction. As such, the merchant or the retailer is not given an option to choose a different third party credit card processor ("payment processor") 814 to process a credit card transaction that might offer a lower fee to process the same credit card transaction. As noted in Paragraph 7 of the applicant's specification, merchants have many payment processors from which to choose from to process their credit card transactions such as Verisign, Paymentech, Tranvia, and Nova.

With regard to the storing step in claim 6, the office action asserts that there are different payment processors citing different types of cards such as Visa and MasterCard that require different input fields. Rather, as defined in the preamble of independent claim 6, "payment processors" interfaces merchant's credit card processing system with credit card issuing banks' transaction system. As such,

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Fung does not disclose, teach, or suggest "storing data input field requirements for a plurality of payment processors, where each of the plurality of payment processors has different data input field requirements." Accordingly, claim 6 is allowable over the references cited in the office action.

Moreover, preambles of the independent claims 15-17 have been amended to clarify that "payment processors" in the context of the claims are not credit card issuing banks listed in paragraph 60 of Fung. Rather, payment processors (206) reside between the merchants and credit card issuing banks to interface the credit card transactions between the merchants and the issuing banks. Fung specifically states that it is using "existing procedures to charge a credit/debit 'card' account known in the art (e.g., Visa's, MasterCard's, etc., existing procedures)." Accordingly, Fung does not teach or suggest the method or the system that interfaces with the plurality of payment processors as defined in the independent claims 15-17.

For the above reasons, it is respectfully submitted that the above cited references do not teach or suggest claims 6-17, and therefore are in condition for allowance.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call Applicant's undersigned representative at (626) 332-7262 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-3578. Should such additional fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefore.

Respectfully submitted,

  
Sung I. Oh, Reg. No. 45,583  
Customer No. 53,123  
Attorney for Applicant

Sung I. Oh, A Professional Law Corporation  
710 Quail Valley Lane  
West Covina, CA 91791  
(626) 332-7262 (phone)  
(626) 332-7548 (fax)